

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SEP 22 2004

U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAVID JOSSELYN

Petitioner,

v.

KATHLEEN DENNEHY,

Respondent

Civil Action No. 04-10621-GAO

**PETITIONER'S ASSENTED TO MOTION FOR ENLARGEMENT OF TIME IN
FILING OPPOSITION TO RESPONDENT'S MOTION TO DISMISS**

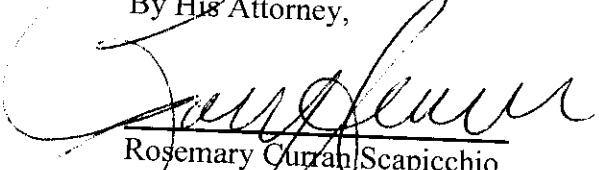
Now comes the petitioner, David Josselyn, and respectfully requests that this Honorable Court enlarge the time within which to file his opposition to the respondent's motion to dismiss his petition for habeas corpus up to and including November 30, 2004. As reasons thereof, counsel states that respondent's counsel has assented to her request for an enlargement of time. Counsel requests this Enlargement based on her abnormally demanding trial and appeal schedule over the next 60 days due to:

1. An order from the United States Supreme Court allowing the government's motion for both an expedited briefing and argument in United States v. Duncan Fanfan. Counsel must file a respondent brief in this matter with the United States Supreme Court on September 24, 2004, with arguments scheduled for October 4, 2004.
2. Counsel's brief in United States v. Hansen is due September 30, 2004 in the United States Court of Appeals for the First Circuit. (Docket No. 03-1331; Gertner, J.)
3. Counsel's brief appendix in the matter of Commonwealth v. Jackson is due October 15, 2004 with the Massachusetts Appeals Court and is marked no further continuances (Docket #2004-P-0496).

4. Counsel's brief in the matter of Commonwealth v. Olivera is due November 30, 2004 with the Massachusetts Appeals Court and is marked no further continuances. (Docket No. 2004-P-0980).
5. Counsel's Petition of Habeas Corpus in the matter of Commonwealth v. Costa, Day, and DeNicholas, a double murder, is due September 26, 2004.
6. Counsel is scheduled for trial in Commonwealth v. James Bush (docket # 2003-1005) beginning October 14, 2004 on a charge of first-degree murder (Spurlock, J.) The trial is expected to last one to two weeks.

WHEREFORE, appellant respectfully requests a deadline up to and including November 30, 2004 to file his Opposition to the Respondent's Motion to Dismiss.

Respectfully submitted,
DAVID JOSSELYN
By His Attorney,



Rosemary Curran Scapicchio
Four Longfellow Place
Suite 3703
Boston, MA 02114
(617) 263-7400
BBO# 558312

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party and upon any party appearing pro se by first class mail, postage prepaid or by hand delivery.

Dated: 9/22/04 